

Student SQP Complaints Procedure

**version 1**

**9 October 2019**

# Introduction

This complaints procedure reflects AMTRA’s commitment to valuing complaints. Our aim is to resolve issues of dissatisfaction as close to the initial point of contact as possible and to conduct thorough and fair investigations of complaints so that, where appropriate, we can make evidence-based decisions on the facts of each individual case.

The procedure takes account of the *Good practice for handling student complaints and appeals* issued by the Office of the Independent Adjudicator for Higher Education (December 2016). This Complaints Procedure will be signposted from the appropriate pages on the AMTRA website, to ensure that student SQPs are aware of their rights.

This procedure is limited to complaints about the service provided by AMTRA and its partners experienced by student SQPs. Other complaints about AMTRA may be made in writing to the AMTRA Secretary General: check the AMTRA website to see if specific guidance is available to cover other circumstances.

Complaints about other organisations, including Harper Adams University and organisations providing SQP training which is additional to that provided by the contract that AMTRA has with student SQPs (access to learning resources and assessment arrangements), should be made directly to the organisation concerned.

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# Figure 1. Overview of the Complaints Handling Procedure



# What is a complaint?

1. For the purpose of this procedure, a complaint may be defined as:

“An expression of dissatisfaction by one or more student SQPs about the standard of service, action or lack of action, provided by AMTRA.”

1. A complaint may relate to:
* The quality and standard of service provided by AMTRA
* Failure by AMTRA to provide a service
* Treatment by or attitude of a member of AMTRA staff or representative
* The failure of AMTRA to follow an appropriate administrative process
* Dissatisfaction with an AMTRA policy, although it is recognised that policy is set at the discretion of AMTRA
* The refusal by AMTRA of a reasonable adjustment request by a disabled student under the terms of the Equality Act 2010
1. This definition is very broad and the list above is not exhaustive. However, not every concern raised is a complaint. For example, the following **are not complaints handled by this document**:
* A request to a member of staff or representative to revise the way in which they provide support or guidance, in order to allow the student SQP to learn more effectively
* A routine, first-time request for a service
* A request under the Freedom of Information Act or General Data Protection Regulation.
* A request for information or an explanation of policy or practice
* An insurance claim
* An issue which is being, or has been, considered by a court or tribunal
* An attempt to have a complaint reconsidered where a AMTRA procedure has been completed and a decision has been issued
* An appeal about an academic decision in relation to the award of grades and academic credit
* Concerns about the quality of facilities or learning resources provided by an organisation providing SQP training which is in addition to that provided as part of the contract between AMTRA and a student SQP
* Failure by a training organisation to address the behaviour of other student SQPs that impacts on learning

4. Issues under point 3 will be dealt with directly with individuals providing a service or under alternative appropriate processes rather than under this complaints procedure. It should be noted, however, that some situations can involve a combination of issues, some are complaints and others are not, and each case should be assessed on a case by case basis. Other procedures which students might have cause to use include the following:

• Arrangements to request a review of marks, prior to ‘ratification’ as set out in the *Assessment Arrangements* at Paragraph 38, Annex 5.29 of the Harper Adams University *Academic Quality Assurance Manual* and Paragraph 1 of the *Academic Appeals* arrangements.

• *Academic appeals* for requests to explain or review the assessment decisions of assessment board or academic misconduct panel.

The latest versions of the aforementioned policies and procedures can be found at the University’s Key Information Page at [www.harper.ac.uk/keyinfo](file:///C%3A%5CUsers%5C00004930%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CINetCache%5CContent.Outlook%5C1AL9R0GR%5Cwww.harper.ac.uk%5Ckeyinfo).

5. Advice on the operation of the complaints handling procedure or on the appropriate procedure to be followed in a specific set of circumstances can be sought from the Harper Adams University/AMTRA Course Manager, Dr John Donaldson (jdonaldson@harper-adams.ac.uk).

1. In consideration of any complaint, the AMTRA Secretary General may consult with any person he considers appropriate, including Harper Adams University’s Director of Learning and Teaching, other members of Harper Adams staff, and the AMTRA Chairman and Vice-Chairman.

# Who can make a complaint?

1. This complaints procedure covers complaints about a student SQP’s experience during their time registered with AMTRA. Only student SQPs registered with AMTRA, or those who have recently become qualified AMTRA SQPs may make a complaint, within the timescales set out herein.

# Collective Complaints

1. The normal expectation is that student SQPs will submit a complaint which relates to their own experience only. If a service is deemed to have failed several student SQPs, a collective complaint can be submitted by a nominated individual. All correspondence, including the final outcome, will be directed through this individual.

# Frivolous or vexatious complaints

1. AMTRA may reject a complaint at any time if, in the opinion of the AMTRA Secretary General, or their nominee, the complaint is frivolous or vexatious.
2. A frivolous or vexatious complaint can be characterised in a number of ways:
* Complaints which are obsessive, persistent, harassing, prolific, repetitious;
* Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;
* Insistence upon pursuing potentially meritorious complaints in an unreasonable manner;
* Complaints which are designed to cause disruption or annoyance;
* Demands for redress which lack any serious purpose or value.

# Anonymous complaints

1. Complaints submitted anonymously will not normally be considered. If, however, an anonymous complaint presents compelling evidence which supports the need for investigation, AMTRA may give consideration to the issues raised, and will record the complaint so that corrective action can be taken as appropriate. The AMTRA Secretary General, or nominee, will review anonymous complaints in deciding whether they will be investigated further. No correspondence will be entered into with an anonymous complainant, including acknowledgment of receipt of the complaint.

# Unacceptable behaviour

1. AMTRA is committed to providing a fair, consistent and accessible service for all student SQPs. However, AMTRA must also provide a safe working environment for staff, and ensure that work is undertaken in an efficient and effective manner. Whilst all student SQPs have the right to be heard, understood and respected, staff have the same rights. The actions of complainants, or their nominated representative, who are angry, demanding, or persistent may result in unreasonable demands on, or unacceptable behaviour towards, staff. It is these actions or behaviour that is considered unacceptable and we aim to manage under this guidance. These behaviours are set out below:
* **Aggressive, offensive or abusive actions or behaviour**

Examples of actions or behaviour grouped under this heading include any actions or behaviour that may have the potential to cause staff to feel intimidated, threatened or offended. These include, but are not limited to: threats, physical violence, personal verbal abuse, derogatory remarks, sarcasm and rudeness. Inflammatory statements and unsubstantiated allegations can amount to abusive actions or behaviour. Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language, whether oral or written, that may cause staff to feel afraid, threatened or abused.

* **Unreasonable demands or persistence**

Examples of unreasonable demands may include: requesting responses within an unreasonable timescale; insisting on seeing or speaking to a particular member of staff; continual phone calls, emails, or letters; demanding answers to an unreasonable, or an excessive number of, questions about the way in which staff would normally discharge their responsibilities or seeking their personal opinions on matters; repeatedly changing the substance of an appeal, or raising unrelated concerns.

When the actions or behaviour of a complainant or their representative is unacceptable they will be told why it is unacceptable and given the opportunity to modify their actions or behaviour. If the unacceptable actions or behaviour continue, AMTRA will take appropriate measures, including terminating consideration of their complaint issuing a Completion of Procedures letter.

1. If a student SQP’s complaint is considered frivolous or vexatious, or if the complainant’s behaviour is unreasonable, the AMTRA Secretary General will write to the student SQP explaining that AMTRA is terminating further consideration of the complaint, setting out the reasons for doing so, and, in liaison with Harper Adams University, request that Harper Adams University issues a Completion of Procedures letter.

# Time limit for making complaints

1. Complaints should be raised with AMTRA as soon as problems arise to enable prompt investigation and swift resolution. This complaints procedure sets a time limit of 28 calendar days to raise a complaint with AMTRA, starting from when the complainant first became aware of the problem, unless there are special circumstances for requesting consideration of a complaint beyond this time.
2. Beyond the 28 day time limit, any discretion in the way that the time limit is applied must be agreed with the AMTRA Secretary General, or nominee, and will require evidence of mitigating circumstances that prevented the complainant from making their concerns known in a timely way, within the deadline.

# The Complaints Procedure

1. The complaints procedure is intended to provide a quick, simple and streamlined process with a strong focus on early resolution. The procedure involves up to three stages, as illustrated in Figure 2 below; the first two being dealt by staff at AMTRA and the third and last stage referred to Harper Adams University.

# Figure 2. The Complaints Procedure

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Early Resolution**(Stage 1) | → | **Formal Complaints**(Stage 2) | → | **Internal Review**(Stage 3) | → | **Independent External Review** |
|  |  |  |  |  |
| For all issues that are straightforward and easily resolved, requiring only limited investigation and dealt with by staff with responsibility for the area of concern.‘On-the-spot’ apology, where appropriate, explanation, or other action to resolve the complaint quickly, within 21 calendar days, unless there are exceptional circumstances.Complaints addressed by any relevant member of staff, or alternatively referred to the appropriate point for frontline resolution.Complaint details and outcome are recorded by the complaints handler, to be made available in the event that the complainant subsequently refers a complaint within the formal, stage 2, procedures.Complainants referred to formal complaints stage should they remain dissatisfied. | For issues that have not been resolved to the satisfaction of the complainant through the early resolution stage.Formal complaints are dealt with by staff independent of the area of concern – AMTRA Secretary General.A definitive response normally provided within 28 calendar days following a thorough investigation of the points raised.Senior management have an active interest in complaints and use information gathered to improve services. | For issues that have not been resolved to the satisfaction of the complainant.Complainants who remain dissatisfied after an investigation has been completed by AMTRA have the right to ask the Director Learning & Teaching to review the outcome.A Completion of Procedures letter will be issued, setting out that the University’s internal procedures have been concluded and advising on recourse to external review. |  | For issues that have not been resolved to the satisfaction of the complainant.The complainant will be referred to the Office for the Independent Adjudicator (OIA) and may submit a complaint within the year of the issuance of the University’s Completion of Procedures letter.  |

1. **Stage 1 Early complaints resolution** seeks to resolve straightforward complaints swiftly and effectively at the point at which the complaint is made. Complaints can be made in person or in writing and should be addressed to the AMTRA Secretary General. The complainant should make it clear that they are making an informal, Stage 1 complaint, as opposed to making an observation, asking a question or providing feedback. Complainants should also ensure that they include the following within the information that they provide as part of their complaint, irrespective of the way in which they make their complaint known:

• They are making an informal, Stage One complaint within the terms of this procedure, so that the staff member knows that they must deal with the concerns accordingly

• The specific concern and the impact of the problem on the student SQP

• Where relevant, the staff, or contractors who the complainant believes are involved

• The outcome that they are hoping for.

The purpose of early resolution is to attempt to resolve as quickly as possible, and normally within **21 calendar days**, as close to the point of the problem as possible. In exceptional circumstances a short extension of time may be necessary to increase the possibility of resolving the complaint at the early resolution stage (for example, by obtaining information from other areas where no single area of AMTRA is responsible for the issue(s) being complained about). The complainant must be told of the reasons for extending the deadline and advised of the new timescale for resolution.

The outcome will be communicated to the complainant by the staff member handling the complaint. This may be face-to-face, by phone or by email. If the outcome is given orally, the decision must also be summarised within an email or letter to the complainant headed, “*Early resolution complaints outcome*”, setting out the following:

* Date of receipt of the first stage, informal complaint
* The specific concern raised by the student and their assessment of the impact of the problem on them
* The outcome that the student was hoping for
* The outcome(s) that the AMTRA Secretary General determined, including, where applicable, any apology, explanation or change to existing arrangement for the student SQPs and/or for other student SQPs, or a commitment to identify the need for approved AMTRA policies or procedures to be resolved
* Advice to the student SQP that the early resolution complaint has been closed and advice on the availability of the a second stage, formal complaints procedure, if they remain dissatisfied

**Stage 2 A formal complaint** is appropriate where a complainant is dissatisfied with the outcome of early resolution. Student SQPs must make a formal complaint, **within 14 calendar days** of notification of the Stage 1, early resolution outcome, by completing the Formal Complaints Form in Annex 1 of this document and submitting it to the AMTRA Secretary General either to secretarygeneral@amtra.org.uk or by writing to 1c Windmill Avenue, Woolpit, Bury St Edmunds, IP30 9UP. Formal, Stage 2, complaints which are received after 14 calendar days of notification of the early resolution, first stage complaint outcome will normally be rejected as out-of-time. In such instances, AMTRA will request that Harper Adams University issues a Completion of Procedures letter. The only exceptions to this are where a student SQP provides evidence of mitigating circumstances that prevented them from submitting a formal, second stage complaint within the approved timescale, for example through unexpected incapacitation or through disability.

The formal complaint must include:

* An attached copy of the early resolution, first stage complaint outcome notification email, where relevant
* Explanation of why the early resolution, first stage complaint outcome is not satisfactory
* Details of the specific concern and the impact of the problem on the student SQP, including any supporting, independent evidence
* Where relevant, the staff, or contractors the complainant believes to be involved in the problem
* The outcome that they are hoping for.

Stage 2 complaints will normally be acknowledged in writing within 7 calendar days. AMTRA will provide a full response to the complaint as soon as possible **but no later than 28 calendar days** from the time that the stage 2 complaint was received for investigation.

The outcome of the formal complaint will be communicated to the complainant in writing. The decision, and details of how and when it was communicated to the complainant, will also be recorded. The recorded outcome of the formal complaint will include the following:

* + The student SQP’s name
	+ Date of receipt of complaint
	+ Name of the complaints handler
	+ The specific concern raised by the student SQP and their assessment of the impact of the problem on them
	+ The staff, or contractor who the student SQP identified as involved
	+ The outcome that the student SQP was hoping for
	+ A summary of any investigations undertaken, including with whom the complaints handler discussed the complaint and any documents reviewed
	+ The conclusion(s) drawn from any investigations
	+ The outcomes that the complaints handler determined, including, where applicable, any apology, explanation or change to existing arrangements for the student SQP and/or for other student SQP, or a commitment to identify the need for approved AMTRA policies or procedures to be resolved by the appropriate post holder or committee
	+ Advice to the student SQP that the formal resolution complaint has been closed, the date of notification of outcome, and advice on the availability of a third and final internal review stage, within 7 calendar days of the notification, through representation to the Director of Learning & Teaching at Harper Adams University, if they remain dissatisfied.

Formal complaint outcomes are recorded by the complaint handler or nominee through copy to the studentcomplaints@harper-adams.ac.uk email address.

1. **Stage 3 Complaints review** enables a student SQP who remains dissatisfied with the outcome of the formal complaint investigation to request a review of the decision by the Director of Learning & Teaching at Harper Adams University, or nominee. Where a student SQP remains dissatisfied with the outcome of the formal complaint investigations, they are permitted to request a review of the decision on the following grounds, **within 7 calendar days** of notification of the second stage complaint outcome:
* Appropriate procedures were not followed at the formal complaints stage
* The outcome was not reasonable
* New material evidence is presented which the student SQP was unable, for valid and evidenced reasons, to provide at the formal stage.

The student SQP should submit a letter using the studentcomplaints@harper-adams.ac.uk email address setting out the basis on which they are requesting that the decision be reviewed, including a copy of the formal complaint outcome notification. The Director of Learning & Teaching, or nominee, will consider the request to review the outcome and provide the outcome of any review normally **within 20 calendar days** of receipt of the written request. Where the review request is received after the deadline for doing so, and there are no mitigating circumstances for lateness, the review request will be rejected and a Completion of Procedures letter will be issued.

The Director of Learning & Teaching, or nominee, will investigate the claim(s) made and provide a definitive outcome, detailed as set out in paragraph 17, with the exception of referral to the third, internal review, stage. On completion of any review and outcome conclusion, they will request the Director of Academic Services to issue a Completion of Procedures letter at the conclusion of the internal proceedings. Such a letter will also advise the student SQP of the arrangements by which they might raise a complaint with the Office for the Independent Adjudicator (OIA) if they remain dissatisfied.

# Completion of procedures and recourse to independent, external review

1. Once the University’s complaints procedure has been exhausted, the student SQP will be issued with a Completion of Procedures letter, which confirms that University’s internal procedures are concluded. They are advised to contact the Office of the Independent Adjudicator (OIA) for Higher Education if they are dissatisfied with the outcome of the final stage of the complaints procedure, using the prescribed wording set out on the OIA’s website <http://www.oiahe.org.uk>). The OIA will determine whether the student SQP’s complaint is eligible for consideration under its rules.

# Maintaining confidentiality

1. Confidentiality is an important factor in conducting complaints investigations. AMTRA and Harper Adams University will always have regard to any legislative requirements; for example, data protection legislation and policies on confidentiality and the use of complainant information. Complaints will be handled with an appropriate level of confidentiality and information released only to those who need it for the purposes of investigating or responding to the complaint. No third party will be told any more about the investigation than is strictly necessary in order to obtain the information required from them.
2. Where a complaint has been raised against a student or member of staff and has been upheld, the complainant will be advised of this. However, it would not be appropriate to share specific details affecting specific students or staff members, particularly where disciplinary action is taken.

# Data security and records retention

1. Records of complaints will be retained for a period of 18 months, following the conclusion of study, or 15 months from the issue date of a Completion of Procedure letter, whichever is the longer, for the purpose of addressing any complaints or appeals. This allows the University to align itself with the current OIA complaints process.
2. For student SQPs where a dispute is ongoing or is in reasonable contemplation for which there is a statutory limitation period, the records relating to the issue in dispute will be kept for the relevant statutory limitation period.

Annex 1 – Stage 2 Formal Complaints Form

The form will expand if you need to type more words

|  |
| --- |
| Student SQP’s details |
| Name |  |
| AMTRA student SQP number  |  |
| Outcome of Stage 1 Early Resolution Complaint  |
| Please append the written outcome of your stage 1 complaint, including when you made the informal complaint, who dealt with it and the outcome of that complaint. | Tick to confirm outcome of Stage 1 complaint appended |
| Please explain why you are not satisfied with the outcome of the Stage 1 complaint |  |

|  |
| --- |
| Details of Stage 2 Complaint and Outcome You are Seeking |
| Please detail the specific concern and how the problem is impacting on you |  | List of evidence to support each claim1: |
| Please confirm the service(s) involved in the problem, including individuals who will need to be consulted as part of any investigation |  | List of evidence to support each claim1: |
| What is the outcome that you are seeking? |  | List of evidence to support each claim1: |
| Please include any other detail that you believe is relevant |  | List of evidence to support each claim1: |
| Student SQP’s signature to confirm that all claims made within this complaints form are truthful and that all evidence is genuine: |

1 All evidence must be appended to the submitted complaints form within the deadline and sent to secretarygeneral@amtra.org.uk or to 1c Windmill Avenue, Woolpit, Bury St Edmunds IP30 9UP.

The completed form should be e-mailed, along with supporting evidence, to the within 14 calendar days of being notified of the Stage 1 outcome. The Harper Adams University/AMTRA Course Manager, Dr John Donaldson (jdonaldson@harper-adams.ac.uk) is able to advise students on preparing a formal complaint.